

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, et al.,

Defendants.

NO. 2:18-cv-01115-RSL

**RESPONSE TO PRIVATE
DEFENDANTS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

On July 19, 2019, the Private Defendants filed a “Notice of Supplemental Authority” (Dkt. #190) advising the Court that Facebook had made a “policy change” related to 3D-printable firearm files. The Private Defendants did not submit a copy of the referenced policy, but rather a news article describing the policy change. It should go without saying that a private social media company’s policies are not legal authority as contemplated by LCR 7(n).

In any case, Facebook recently corrected its policy related to 3D-printable firearm files to comport with “all applicable laws and regulations,” including the federal export controls at issue in this case. Currently, Facebook’s policy provides that “3D gun printing files or instructions to manufacture firearms using 3D printers or CNC milling machines, including links to websites where such files or instructions are made available, may not be shared by anyone.” A printout of the relevant portion of the policy, obtained on July 30, 2019, from https://www.facebook.com/communitystandards/regulated_goods/, is attached as Exhibit A.¹

DATED this 31st day of July, 2019.

ROBERT W. FERGUSON
Attorney General of Washington

/s/ Kristin Beneski

JEFFREY RUPERT, WSBA #45037

Division Chief

TODD BOWERS, WSBA #25274

Deputy Attorney General

JEFFREY T. SPRUNG, WSBA #23607

KRISTIN BENESKI, WSBA #45478

ZACHARY P. JONES, WSBA #44557

Assistant Attorneys General

JeffreyR2@atg.wa.gov

ToddB@atg.wa.gov

JeffS2@atg.wa.gov

KristinB1@atg.wa.gov

ZachJ@atg.wa.gov

Attorneys for Plaintiff State of Washington

¹ Marked-up “Recent Updates” to Facebook’s policies on “Regulated Goods” are available at https://www.facebook.com/communitystandards/recentupdates/regulated_goods/.

Exhibit A

Community Standards

[Introduction](#)[I. Violence and Criminal Behavior](#)[1. Violence and Incitement](#)[2. Dangerous Individuals and Organizations](#)[3. Promoting or Publicizing Crime](#)[4. Coordinating Harm](#)[5. Regulated Goods](#)[II. Safety](#)[III. Objectionable Content](#)[IV. Integrity and Authenticity](#)[V. Respecting Intellectual Property](#)[VI. Content-Related Requests](#)[Additional Information](#)

5. Regulated Goods

Policy Rationale

To encourage safety and compliance with common legal restrictions, we prohibit attempts by individuals, manufacturers, and retailers to purchase, sell, or trade non-medical drugs, pharmaceutical drugs, and marijuana. We also prohibit the purchase, sale, gifting, exchange, and transfer of firearms, including firearm parts or ammunition, between private individuals on Facebook. Some of these items are not regulated everywhere; however, because of the borderless nature of our community, we try to enforce our policies as consistently as possible. Firearm stores and online retailers may promote items available for sale off of our services as long as those retailers comply with all applicable laws and regulations. We allow discussions about sales of firearms and firearm parts in stores or by online retailers and advocating for changes to firearm regulation. Regulated goods that are not prohibited by our Community Standards may be subject to our more stringent [Commerce Policies](#).



Do not post:

Content about non-medical drugs that

- Coordinates or encourages others to sell non-medical drugs
- Depicts, admits to, attempts purchase, or promotes sales of non-medical drugs by the poster of the content or their associates
- Promotes, encourages, coordinates, or provides instructions for use or make of non-medical drugs
- Admits, either in writing or verbally, to personal use of non-medical drugs unless posted in a recovery context

Content that depicts the sale or attempt to purchase marijuana and pharmaceutical drugs. This includes content that

- Mentions or depicts marijuana or pharmaceutical drugs
- Makes an attempt to sell or trade, by which we mean any of the following:

- Explicitly mentioning the product is for sale or trade or delivery
- Asking the audience to buy
- Listing the price
- Encouraging contact about the product either by explicitly asking to be contacted or including any type of contact information
- Attempting to solicit the product, defined as:
 - Stating interest in buying the product, or
 - Asking if anyone has the product for sale/trade
- This applies to both individual pieces of content and Pages and Groups primarily dedicated to the sale of marijuana or pharmaceutical drugs

Content that attempts to offer, sell, gift, exchange, or transfer firearms, firearm parts, ammunition, or explosives between private individuals, unless posted by a Page representing a real brick-and-mortar store, legitimate website, brand or government agency (e.g. police department, fire department). This includes content that:

- Mentions or depicts firearms, firearm parts, ammunition, explosives, or 3D gun printing files of any firearm or its parts^{*}, and
- Makes an attempt to sell or trade, by which we mean:
 - Explicitly mentioning the product is for sale or trade, or
 - Asking the audience to buy, or
 - Listing the price or noting that the product is free
 - Encouraging contact about the product either by
 - Explicitly asking to be contacted
 - Including any type of contact information
 - Making an attempt to solicit the item for sale, defined as
 - Stating that they are interested in buying the good, or
 - Asking if anyone else has the good for sale/trade
- ^{*} 3D gun printing files or instructions to manufacture firearms using 3D printers or CNC milling machines, including links to websites where such files or instructions are made available, may not be shared by anyone. A Page representing a real brick-and-mortar store, legitimate website or brand can otherwise post content that may promote these items only for sale off of our services and as long as those retailers comply with all applicable laws and regulations.